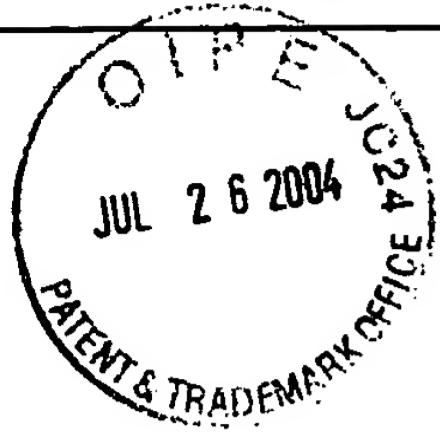


ARNOLD & PORTER LLP



July 26, 2004

AF
Draw
David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexàndria, Virginia 22313-1450

Art Unit: 1631
Examiner: Michael L. Borin
Conf. No.: 6590

Re: U.S. Patent Application No. 09/960,481 filed September 24, 2001
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.310

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

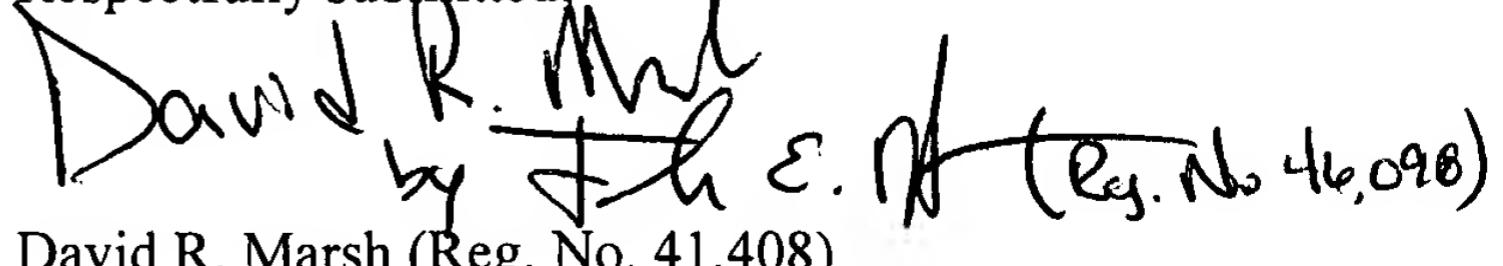
1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$330.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.310. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.310.

Respectfully submitted,


David R. Marsh (Reg. No. 41,408)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Joseph R. BYRUM *et al.*

Appl. No.: 09/960,481

Filed: September 24, 2001

Confirmation No.: 6590

Art Unit: 1631

Examiner: Michael L. Borin

Atty. Docket: 16517.310

For: **Nucleic Acid Molecules and Other Molecules Associated with Plants**

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed April 26, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)
Thomas E. Holsten (Reg. No. 46,098)

Date: July 26, 2004

ARNOLD & PORTER LLP
Attn: IP Docketing
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
202.942.5000 telephone
202.942.5999 facsimile

07/28/2004 CNGUYEN 0000003 502387 09960481
01 FC:1401 330.00 DA